

## **REMARKS/ARGUMENTS**

### ***Status of the claims***

Claims 39-41, 65-68, and 71-74 were pending in the above-referenced application for patent. Claims 39, 65, 67, 71, and 73 are rejected as being anticipated by Schmaltz (U.S. Patent 6,050,996). Claims 39 and 71 are also rejected as anticipated by Buysse (U.S. Patent 5,776,130). Claims 40, 41, 66, and 72 are rejected as being obvious in light of Schmaltz. Finally, claims 68 and 74 are rejected as being unpatentable over Schmaltz in view of Choudhury (U.S. Patent 5,219,354). Independent claims 39 and 71 are currently amended as to overcome the rejections. No new matter has been added.

### ***Claim amendments to independent claims 39 and 71***

Independent claims 39 and 71 are rejected as being anticipated by Schmaltz and Buysse. The Examiner asserts that the claims fail to recite the feature that “the stop member prevents the user from exerting too much pressure on the tissue by resisting any increased pressure from the surgeon’s fingers.” Although this feature was believed inherent from the prior claim recitation, Applicant has amended the claims and believes the Examiner’s objection has been addressed. Applicant believes that the claimed feature is not disclosed by the cited prior art, so the claims are not anticipated. Therefore, Applicant respectfully requests that the Examiner withdraw the refusal and allow claims 39 and 71.

Dependent claims 65, 67, and 73 are also rejected as being anticipated by Schmaltz. Applicant has amended the independent claims upon which these claims depend. Since dependent claims include all the limitations of the claims upon which they depend, Applicant respectfully asserts that the dependent claims are not anticipated and

respectfully requests that the Examiner withdraw the rejection and allow claims 65, 67, and 73.

***Claims 40, 41, 66, and 72 are not obvious in light of Schmaltz***

Examiner rejected dependent claims 40, 41, 66, and 72 as being obvious in light of Schmaltz. Applicant has amended the claims to include the limitation, taken directly from the specification, that the forceps has a pair of opposed arms mounted in a sleeve at one end, with the opposite end being used for grasping. This added limitation makes clear that the forceps device being claimed by Applicant is different than the device disclosed by Schmaltz. Applicant claims a forceps which is operable like tweezers, while Schmaltz discloses a hemostat. It would not have been obvious to one skilled in the art to design a device with a pair of opposed arms, mounted in a sleeve at one end, having a stop member to prevent overexertion of pressure on grasped tissue, in light of the Schmaltz device, which has pivotably connected members and no means of preventing overexertion of pressure on grasped tissue.

In light of the above claim amendments, Applicant respectfully requests that Examiner withdraw her rejection of claims 40, 41, 66, and 72.

***Claims 68 and 74 are not rendered obvious in light of Schmaltz in view of Choudhury***

Examiner rejected dependent claims 68 and 74 as being obvious in light of Schmaltz in further view of Choudhury. The added limitation, taken directly from the specification, that the forceps claimed by Applicant has a pair of opposed arms mounted in a sleeve at one end, with opposite end for grasping, makes clear that the forceps device being claimed is different than the devices disclosed or suggested by Schmaltz and Choudhury. Schmaltz and Choudhury disclose a hemostat and scissors, respectively.

Those two devices are similar to each other, but are dissimilar to the device Applicant claims. In both a hemostat and scissors, the grasping or cutting members are pivotably connected, and neither has a means to prevent overexertion of pressure on grasped tissue by the grasping members. The Choudury device teaches away from preventing overexertion of pressure. In fact, the Choudhury device is designed to exert sufficient pressure to sever the tissue positioned between its jaw members, a function not desired in use of Applicant's claimed invention. In light of the above claim amendments, Applicant respectfully requests that Examiner withdraw her rejection of claims 68 and 74.

***Conclusion***

Believing that all things raised in the Examiner's June 29, 2006 Office Action have been addressed, the undersigned respectfully requests that the application be allowed and passed to issue.

Respectfully submitted,



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